



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. Freeman et al. Examiner: Ricky Chin
Serial No.: 10/765,044 Group Art Unit: 2623
Filed: January 28, 2004 Docket No.: 2050.071US4
Title: DIGITAL INTERACTIVE SYSTEM FOR PROVIDING FULL
INTERACTIVITY WITH LIVE PROGRAMMING EVENTS

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20/08/2008 00820001 00000000 000743 10765244
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I, Dag Johansen, am an attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on January 16, 2008 and accepted by the U.S. Patent and Trademark Office as evidenced by the Notice of Acceptance of Power of Attorney mailed on January 24, 2008. I am making this petition on behalf of ACTV, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, ACTV, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/765,044) and to U.S. Patent No. 5,861,881. Your petitioner owns the entire right, title, and interest of both the above-identified patent application (Serial No. 10/765,044) and the issued patent (U.S. Patent No. 5,861,881) by nature of the assignments executed and recorded for both of these applications. The assignment for the above-identified patent application (Serial No. 10/765,044) was recorded on August 27, 1997 on Reel 08722, Frames 0574 - 0576, with the United States Patent and Trademark as the assignment for the parent application having serial number 08/815,168 filed on March 11, 1997 that also covered the assignment of all continuation applications. The assignment for U.S. Patent No. 5,861,881 was recorded on October 4, 1999 on Reel 010281, Frames 0041 - 00046, with the United States Patent and Trademark Office. Both assignments list ACTV, Inc. as the assignee.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, ACTV, Inc., seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application (Serial No. 10/765,044), which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No 5,861,881. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 5,861,881 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,861,881 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

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Serial Number: 10/765,044

Filing Date: January 28, 2004

Title: Digital Interactive System For Providing Full Interactivity With Live Programming Events

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Fee Status

Please charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date August 4, 2008

By


Dag Johansen
Reg. No. 36,172

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4 day of August 2008.

Name John D. Gustav-Wrathall
Paralegal
Schwegman, Lundberg & Woessner

Signature

